

FILED
 UNITED STATES DISTRICT COURT
 ALBUQUERQUE, NEW MEXICO
 IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEW MEXICO

DEC 14 2018

STATE OF NEW MEXICO, *ex rel.*
 State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-MV/KK

RIO CHAMA STREAM SYSTEM

Section 7: Rio Brazos

**NOTICE OF CLAIM TO THE USE OF WATER BASED ON THE TREATY OF
 GUADALUPE HIDALGO IN THE RIO BRAZOS SUBSECTION OF SECTION 7
 OF THE RIO CHAMA STREAM SYSTEM**

I have signed and approved a Consent Order in the adjudication of water rights in the Rio Brazos Subsection and would like to make a claim to the use of water based on the Treaty of Guadalupe Hidalgo. I have read the Court's Notice and Order to Show Cause in the Rio Brazos Subsection of Section 7 of the Rio Chama Stream System, and I understand that if I do not follow the instructions described in the Notice, my Treaty-based claim may be dismissed.

★ NAME(S): Appita Abeyta; Roque N. Abeyta - IN-TRANSITION TO GOMEZ ABEYTA LLC
Transfer

MAILING ADDRESS: P.O. Box 128 Los Oros, NM 87551

*see copies of
 Change of Ownership*

CONTACT PHONE: 575.588.7264

CONTACT E-MAIL: semirgeh@yahoo.com

ADDRESS OF PROPERTY: 71 State Rd 514

CONSENT ORDER SUBFILE NUMBER (IF KNOWN): CHRB007-0039

SIGNED BY: Cecilia J. Gomez

Maria Abeyta - Garcia

DATE: December 13, 2018

12/13/2018

*****SEE REVERSE SIDE FOR FILING INSTRUCTIONS*****

EXHIBIT 3

- Your completed form may be filed in person or mailed to:

**United States District Court Clerk
333 Lomas Blvd. NW
Suite 270
Albuquerque, NM 87102**

- Alternatively, you may file your completed form in person by bringing it to:

**United States District Court Clerk
106. S. Federal Place
Santa Fe, NM 87501**

- **Your completed form must be filed with the Court no later than:**

TUESDAY, DECEMBER 18, 2018

- Your Notice of Claim form must include enough contact information to enable the State to contact you in order to set up a conference regarding your Treaty-based claim. Any Notice of Claim form that does not include information sufficient for the State to contact you may not be considered by the Court.
- If you file a Notice of Claim form, please keep a copy of your completed form for your own records.
- If you have any questions about this form, or about the adjudication of water rights on the Rio Chama, please contact:

**Felicity Strachan
N.M. Office of the State Engineer
130 S. Capitol Street
Santa Fe, NM 87501
Phone: (505) 819-1044
Email: felicity.strachan@state.nm.us**

OFFICIAL RECEIPT NUMBER: 6 - 43824

6-43824

RECEIVED.

50

97A 66

7A

FD BY:

REFERENCES

INSTRUCTIONS: Indicate the number of actions to the left of the appropriate type of filling. Complete the receipt information. **Original** to payor; **pink** copy to Program Support/ASD; and **yellow** copy for Water Rights. If a mistake is made, void the original and all copies and submit to Program Support/ASD as part of your daily deposit.

A. Ground Water Filing Fees

- | | | |
|----|--|-----------|
| 1. | Change of Ownership of Water Right | \$ 2.00 |
| 2. | Application to Appropriate or Supplement Domestic 72-12-1 Well | \$ 125.00 |
| 3. | Application to Repair or Deepen 72-12-1 Well | \$ 75.00 |
| 4. | Application for Replacement 72-12-1 Well | \$ 75.00 |
| 5. | Application to Change Purpose of Use 72-12-1 Well | \$ 75.00 |
| 6. | Application for Stock Well | \$ 5.00 |

B, Surface Water Filing Fees

- | | Change of Ownership of a Water Right | \$ 5.00 |
|---|--------------------------------------|-----------|
| 1. Change of Ownership of a Water Right | | \$ 5.00 |
| 2. Declaration of Water Right | | \$ 10.00 |
| 3. Amended Declaration | | \$ 25.00 |
| 4. Application to Change Point of Diversion and Place and/or Purpose of Use from Surface Water to Surface Water | | \$ 200.00 |
| 5. Application to Change Point of Diversion and Place and/or Purpose of Use from Ground Water to Surface Water | | \$ 200.00 |
| 6. Application to Change Point of | | |

C. Well Driller Fees

- | C. Well Driller Fees | |
|--|----------|
| 1. Application for Well Driller's License | \$ 50.00 |
| 2. Application for Renewal of Well Driller's License | \$ 50.00 |
| 3. Application to Amend Well Driller's License | \$ 50.00 |

D. Reproduction of Documents

- | Map(s) | @ 0.25¢ | \$ |
|--------|---------|----|
| | | \$ |

E. Certification

F. Other

G. Comments:

- | Purpose of Use | \$ |
|---|-----------|
| 8. Application to Appropriate | \$ 100.00 |
| 9. Notice of Intent to Appropriate | \$ 25.00 |
| 10. Application for Extension of Time | \$ 25.00 |
| 11. Supplemental Well to a Surface Right | \$ 50.00 |
| 12. Return Flow Credit | \$ 100.00 |
| 13. Proof of Completion of Works | \$ 100.00 |
| 14. Proof of Application of Water to Beneficial Use | \$ 25.00 |
| 15. Water Development Plan | \$ 100.00 |
| 16. Declaration of Livestock Water Impoundment | \$ 10.00 |
| 17. Application for Livestock Water Impoundment | \$ 10.00 |

- | | | |
|-----|---|----------|
| 7. | Application to Appropriate Irrigation,
Municipal, or Commercial Use | \$ 25.00 |
| 8. | Declaration of Water Right | \$ 1.00 |
| 9. | Application for Supplemental Non
72-12-1 Well | \$ 25.00 |
| 10. | Application to Change Place or
Purpose of Use Non 72-12-1 Well | \$ 25.00 |
| 11. | Application to Change Point of Diversion
and Place and/or Purpose of Use from
Surface Water to Ground Water | \$ 50.00 |
| 12. | Application to Change Point of Diversion
and Place and/or Purpose of Use from
Ground Water to Ground Water | \$ 50.00 |
| 13. | Application to Change Point of
Diversion of Non 72-12-1 Well | \$ 25.00 |
| 14. | Application to Repair or Deepen
Non 72-12-1 Well | \$ 5.00 |

- | | |
|--|----------|
| 15. Application for Test, Expl. Observ. Well | \$ 5.00 |
| 16. Application for Extension of Time | \$ 25.00 |
| 17. Proof of Application to Beneficial Use | \$ 25.00 |
| 18. Notice of Intent to Appropriate | \$ 25.00 |

All fees are non-refundable.

File No.



NEW MEXICO OFFICE OF THE STATE ENGINEER

CHANGE OF OWNERSHIP OF WATER RIGHT (NON-72-12-1) FOR (check one):



Important: Acceptance of the form for filing by the State Engineer does not constitute verification of the right conveyed.

☐ Individual
☐ Trustee
☐ Estate

☐ Corporation
☐ Partnership
☒ Limited Liability Co.

1. OWNER OF RECORD (Seller)

Name: <u>Rogue N. Abeyta</u>	Name: <u>Agapita G. Abeyta</u>	
Phone: <u>NA</u> <input type="checkbox"/> Home <input type="checkbox"/> Cell	Phone: <u>NA</u> <input type="checkbox"/> Home <input type="checkbox"/> Cell	
Phone (Work): <u>NA</u>	Phone (Work): <u>NA</u>	
a. Owner of Record File No:	b. Sub-file No.: <u>CHRB007-0039</u>	c. Cause No.:

2. NEW OWNER (Buyer) Note: If more owners need to be listed, attach a separate sheet. Attached? ☐ Yes

Name: <u>GOMEZ ABEYTA LLC</u>	Name: <u>GOMEZ ABEYTA LLC</u>
Contact or Agent: <u>CECILIA J. GRIMES</u> <input type="checkbox"/> check here if Agent	Contact or Agent: <u>MARIA ABEYTA-GARCIA</u> <input type="checkbox"/> check here if Agent
Mailing Address: <u>P.O. Box 129</u>	Mailing Address: <u>PO Box 586</u>
City: <u>LOS OJOS</u>	City: <u>DULCE</u>
State: <u>NM</u> Zip Code: <u>87551</u>	State: <u>NM</u> Zip Code: <u>87528</u>
Phone: <u>575-588-7264</u> <input checked="" type="checkbox"/> Home <input type="checkbox"/> Cell	Phone: <u>505-320-2849</u> <input type="checkbox"/> Home <input checked="" type="checkbox"/> Cell
Phone (Work):	Phone (Work):
E-mail (optional): <u>semurgch@yahoo.com</u>	E-mail (optional): <u>mabeytagarcia@yahoo.com</u>

Required: Submit warranty deed(s) or other instrument(s) of conveyance properly recorded with the county clerk's office.

3. PURPOSE OF USE & AMOUNT CONVEYED

Check all that apply: <input type="checkbox"/> Domestic <input type="checkbox"/> Industrial <input type="checkbox"/> Livestock <input type="checkbox"/> Commercial <input type="checkbox"/> Irrigation <input type="checkbox"/> Other Uses (specify): _____ <input type="checkbox"/> Municipal	Amount of Water (acre-feet per annum): If more details are needed, type "See Comments" in "Other" field below, and explain in Additional Statements Section. Diversion: <u>Rio Brazos Section / Parkview Ditch</u> Consumptive Use: <u>0.8</u> Other (include units): _____
Owner of record has conveyed all or part of said right (please check one) <input checked="" type="checkbox"/> All <input type="checkbox"/> Part	

FOR USE INTERNAL USE

Change of Ownership, Form wr-02, Rev 11/15/17

File No.:	Tm. No.:	Well Tag ID No. (if applicable):
Trans Desc. (optional):	Sub-Basin:	Receipt No.:

4. LIST ALL KNOWN POINT(S) OF DIVERSION (POD) FOR THE WATER RIGHT CONVEYED

OSE POD No.	Well Tag ID No.	Subdivision and/or Lat/Long or Easting/Northing	Section	Township	Range

Check all that apply: ☐ Well ☐ Pump ☒ Ditch Name Park View Ditch ☐ River Course Rio Brazos Section

5. PLACE(S) OF USE (list each individually)

a. 0.8 Acres of Irrigated Land Described as Follows (applicable to irrigation use only):

b. Legally Described By:	c.	d.	e.	f.	g.
<input type="checkbox"/> Public Land Survey System (PLSS) <input checked="" type="checkbox"/> Hydrographic Survey Report or Map <input type="checkbox"/> Irrigation or Conservation District Map <input type="checkbox"/> Subdivision PLSS Quarters or Halves, <u>and/or</u> Name of Hydrographic Survey or District, <u>and/or</u> Name and County of Subdivision	PLSS Section <u>and/or</u> * Map No. <u>and/or</u> Lot No.	PLSS Township <u>and/or</u> Tract No. (Please list each tract individually) <u>and/or</u> Block No.	PLSS Range	Acres	Priority
<u>Rio Chama Hydrographic Survey</u> <u>Rio Brazos Section</u>	<u>007-0039</u>			<u>0.8</u>	

h. Other description relating place of use to common landmarks, streets, or other:
Landmark: St Rd 514 House # 71

i. Place of use is on land owned by:
Gomez Abeyta LLC: Cecilia J. Grimes and Maria Abeyta Garcia

j. Are there other sources of water for these lands? No ☒ Yes ☐ If yes, describe by OSE file number:

Note: If on Federal or State Land, please provide copy of lease

6. ADDITIONAL STATEMENTS OR EXPLANATIONS

Included Documents

- Certificate of Trust for the Agapita Abeyta and Roque Abeyta Revocable Trust
- Warranty Deed with survivor total interest to Cecilia J. Grimes & Maria Abeyta Garcia
- Amended Warranty Deed Cecilia J. Grimes & Maria Abeyta Garcia to GOMEZ Abeyta LLC

FOR OSE INTERNAL USE

Change of Ownership, Form wr-02, Rev 11/15/17

File No.:	Tm. No.:	Well Tag ID No. (if applicable):
Trans Desc. (optional):	Sub-Basin:	Receipt No.:

7. CONSENT TO LAWFUL CHANGE IN PLACE AND/OR PURPOSE OF USE

(to be completed only if it is an irrigation water right and has been conveyed separate from the land to which it was appurtenant.)

(I, We) the above owner(s) of record, hereby consent to a lawful change in the place and/or purpose of use of the above-described water right:

Signature Cecilia J. Gomez - Gomez Abeyta LLC Signature Maria Abeyta - Garcia - Gomez Abeyta LLC
Co-Trustee Co-Trustee

ACKNOWLEDGEMENT FOR INDIVIDUAL

I, We (name of owner(s)), GOMEZ ABEYTA LLC
 Print Name(s)

affirm that the foregoing statements are true to the best of (my, our) knowledge and belief.

Signature _____ Signature _____

State of New Mexico)County of Rio Arriba) ss.This instrument was acknowledged before me this 20th day of July A.D., 20 18, by (name of owner(s)):Cecilia J. Brimes and Maria Abeyta Garcia

Notary Public:

My commission expires:

Stephanie V. Mares
8/19/2019

ACKNOWLEDGEMENT FOR CORPORATION

I, We (name of owner(s)), _____
 Print Name(s)

affirm that the foregoing statements are true to the best of (my, our) knowledge and belief.

Officer Signature _____ Officer Signature _____

State of _____)

County of _____) ss.

This instrument was acknowledged before me this _____ day of _____ A.D., 20 _____, by the following on behalf of said corporation.

Name of Officer: _____

Title of Officer: _____

Name of Corporation Acknowledging: _____

State of Corporation: _____

Notary Public: _____

My commission expires: _____

FOR USE INTERNAL USE

Change of Ownership, Form wr-02, Rev 11/15/17

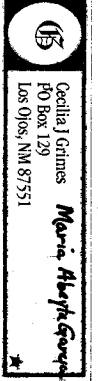
File No.:	Tm. No.:	Well Tag ID No. (if applicable):	
Trans Desc. (optional):		Sub-Basin:	Receipt No.:

Moises A. Morales, Jr.
County Clerk

State of New Mexico)) SS
County Of ~~Rio Arriba~~)

P.O. Box 158 * Tierra Amarilla New Mexico 87575 * Phone (575)-588-7724/5 * Fax (575)-588-7418

GOMEZ ABEYTA LLC



DEFINITION MAIL



7016 2070 0000 4485 8080

RECEIVED
At Albuquerque NM

DEC 14 2018

CLERK

United States District Court Clerk
333 Sonar Blvd. NW
Suite 270
Albuquerque, NM 87102



UNITED STATES POSTAGE
PITNEY BOWES
\$ 004.450
02 1P
0004725166 DEC 13 2018
MAILED FROM ZIP CODE 87551